

Melissa Licker
Buckley Madole, P.C.
99 Wood Avenue South, Suite 803
Iselin, NJ 08830
Telephone: 732-902-5399
NJ_ECF_Notices@BuckleyMadole.com
Attorneys for Secured Creditor

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In re:	Chapter 13
Nureddin Demircan and Suzan Demircan	Case No. 13-32399-NLW
Debtor/Debtors.	Hearing Date: December 12, 2013 at 9:00 am
	Judge: Novalyn L. Winfield

OBJECTION TO PLAN CONFIRMATION

Specialized Loan Servicing LLC as servicing agent for The Bank of New York Mellon FKA The Bank of New York, a Trustee for the certificateholders of the CWABS, Inc., Asset-Backed Certificates, Series 2007-7 (“Secured Creditor”), by its counsel, Buckley Madole, P.C., states the following grounds as and for an Objection to Confirmation of the Debtors’ Chapter 13 Plan:

1. Secured Creditor is the servicer for the first mortgage on Debtors’ primary residence; the property known as 95 Timberline Drive, Wayne, Northfield, New Jersey 07470 (the “Property”).
2. On February 27, 2007, Debtors Nureddin Demircan and Suzan Demircan borrowed \$340,000.00 in exchange for a mortgage on the Property. The mortgage was recorded pre-petition on March 16, 2007. At petition date, this account was in default with arrears in excess of \$228,000.00 on an approximate total debt of \$575,000.00. A proof of claim is currently being prepared and the account is contractually due for the August 2009 payment.
3. Debtors’ proposed Plan fails to provide for a successful plan of reorganization. In fact, the Plan fails to address arrears due to Secured Creditor. Instead, Debtors’ Plan proposes to wholly shift the burden of curing the arrears to Secured Creditor; thereby shifting the burden of feasibility to Secured Creditor. The Plan is dependent upon a loan modification, a business decision of Secured Creditor, and is not independently feasible.

4. Debtors' proposed Plan provides for a mere \$560.00 per month for sixty (60) months. The amount Debtors have to pay into the Plan each month is grossly insufficient to address Secured Creditor's anticipated arrears claim. Secured Creditor objects to any proposed Plan by Debtor that fails to provide a feasible independent plan of reorganization.

WHEREFORE, Secured Creditor respectfully requests that the Court deny confirmation of the Debtors' Chapter 13 Plan for the reasons set forth above and for other relief as the Court may deem just and proper.

Buckley Madole, P.C. on behalf of Secured Creditor,

Dated November 5, 2013

By: /s/ Melissa Licker